

EXHIBIT 10

U.S. PATENT NO. 8,814,818 –
KT PRO KINESIOLOGY TAPE

‘818 PATENT — KT Pro Kinesiology Tape**Plaintiff’s Disclosure of Asserted Claims and Preliminary Infringement Contentions¹**

Claim 15	Accused Instrumentalities: KT Pro Kinesiology Tape
Infringement Assertion against the Accused Instrumentalities:	

¹ Plaintiff provides these infringement contentions before obtaining discovery from Defendant. Plaintiff expects that Defendant and/or third parties will produce information regarding Defendant’s instrumentalities beyond that which is publicly available. Accordingly, Plaintiff reserves the right to modify these infringement contentions based upon Defendant’s document production and/or other information made available to Plaintiff through discovery.

Plaintiff’s infringement contentions are intended to explain Plaintiff’s theories of infringement and do not constitute evidence. Plaintiff’s infringement contentions are not intended to set forth a *prima facie* case of infringement or evidence in support thereof. Certain portions of the chart below may apply to more than one Accused Instrumentality. Certain portions of the chart below may reference other charts, and may be referenced by other charts.

The Accused Instrumentalities often practice the claim elements in numerous alternative ways in accordance with the present chart. The Accused Instrumentalities should be assumed to act alone or in combination as referenced herein and interpreted in the singular or plural accordingly. Defendant further provides the Accused Instrumentalities as well as the instructions to customers/users causing them to use the Accused Instrumentalities in an infringing manner, including, without limitation, in their default and expected uses.

Each element of this claim, except where noted otherwise, and each element of the asserted claims dependent thereon, is present literally or under the doctrine of equivalents in the Accused Instrumentalities. To the extent each element of this claim, and the asserted claims dependent thereon are not present literally in the Accused Instrumentalities, each element is present under the doctrine of equivalents because there is no substantial difference between the elements of the asserted claims and the corresponding functionality in the Accused Instrumentality, i.e., the corresponding functionality in the accused product performs substantially the same function, in substantially the same way to achieve substantially the same results as the claimed elements.

‘818 PATENT — KT Pro Kinesiology Tape**Claim 15:**

15. A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot of a user, comprising: an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof, said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof, said flexible material having a tensile strength of at least 25 lb/in-width and a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

Claim 15 as asserted against the Accused Instrumentalities:	
<i>Element 15[pre]:</i> Claim 15: A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and	<i>The Accused Instrumentalities are disposable orthotic foot arch support straps for a patient's foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot.</i>

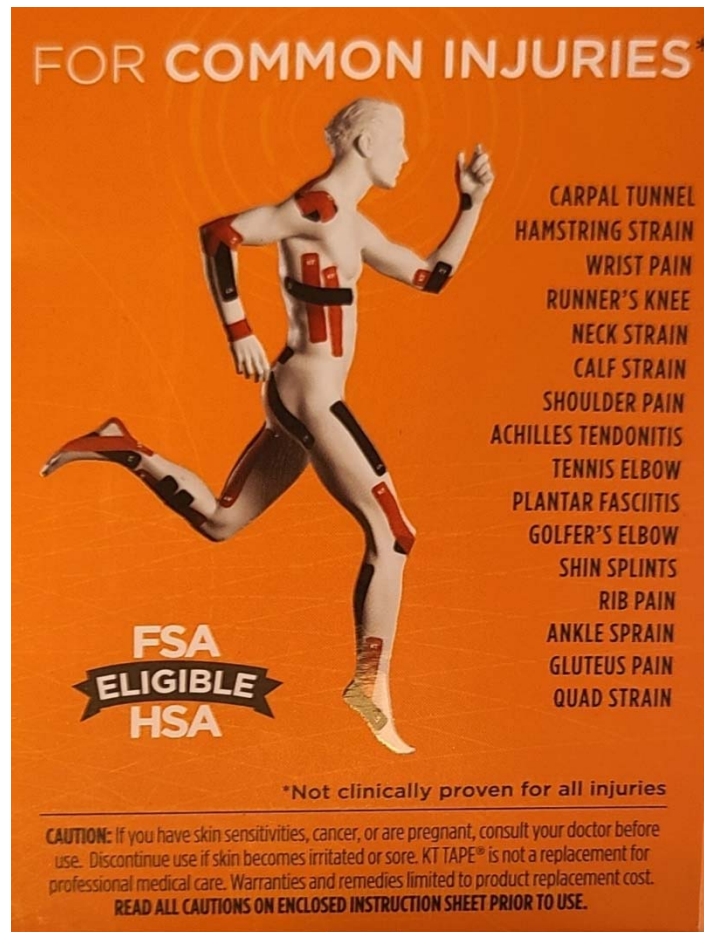
‘818 PATENT — KT Pro Kinesiology Tape

musculoskeletal system of
a foot of a user,
comprising:



Source: Product packaging

‘818 PATENT — KT Pro Kinesiology Tape



Source: Product packaging

'818 PATENT — KT Pro Kinesiology Tape



Source: Product instructions included in product package

‘818 PATENT — KT Pro Kinesiology Tape



Source: Product instructions included in product package

'818 PATENT — KT Pro Kinesiology Tape



Source : Enlargement of product insert

‘818 PATENT — KT Pro Kinesiology Tape



Source: Enlargement of product instructions – indicating treatment for plantar fasciitis

‘818 PATENT — KT Pro Kinesiology Tape

K KT TAPE®

PLANTAR FASCIITIS

AVERAGE DAYS WEAR
KT TAPE PRO

APPLICATION OVERVIEW
The plantar fascia, or arch tendon, is a thick band of connective tissue that runs from the heel to the front of the foot. Arch pain may be triggered by overtraining, poor-lifting or worn shoes, weight gain, over pronation, or abnormal foot structure. KT Tape helps treat this condition by offering support and resting the tissues.

BEFORE YOU START
YOU WILL NEED
3 strips of KT TAPE

APPLY BEFORE ACTIVITY
Apply one hour before beginning activity

CLEAN SKIN
Clean dirt, oils and lotions from area

ACTIVATE ADHESIVE
After application rub tape vigorously to activate adhesive

BODY POSITION

Point toes up toward shin

STRIP ONE

0% STRETCH
ANCHOR: full strip on ball of foot as shown without stretch

50% STRETCH
APPLY: strip along bottom of foot and up back of heel as shown with 50% stretch on tape

0% STRETCH
FINISH: lay end down without stretch and smooth tape against the arch

STRIP TWO

0% STRETCH
ANCHOR: second full strip four inches above inside of ankle without stretch

80% STRETCH
APPLY: tape around bottom of heel and up outside of ankle with 80% stretch on tape

0% STRETCH
FINISH: apply last two inches of tape without stretch

STRIP THREE

0% STRETCH
ANCHOR: full strip slightly behind first strip angled toward the arch without stretch

80% STRETCH
APPLY: tape across arch with 80% stretch

0% STRETCH
FINISH: apply last two inches of tape on outside of foot without stretch

WATCH THE VIDEO
[kttape.com/instructions/plantar-fasciitis](https://www.kttape.com/instructions/plantar-fasciitis)

Discontinue use if skin becomes irritated or sore. Instructions provided are for educational use only. KT TAPE is not a replacement for professional medical care. Cancer patients should not use KT TAPE as it may interfere with treatment. Do not use on abdomen.

Source: Product website at https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf – indicating treatment for plantar fasciitis

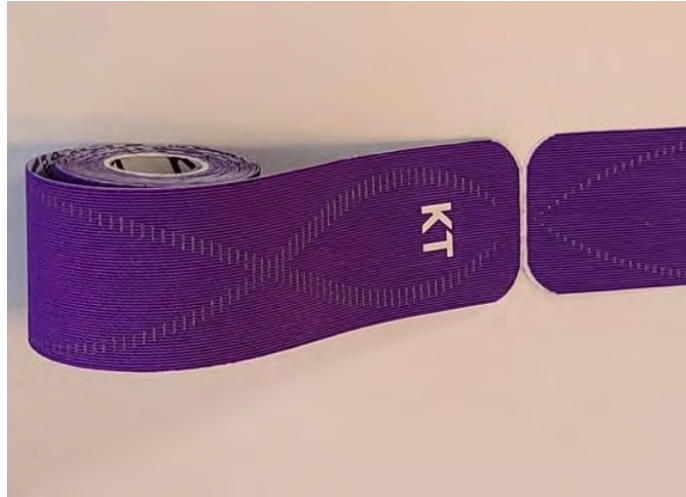
‘818 PATENT — KT Pro Kinesiology Tape

Element 15[a]:

an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof,

The Accused Instrumentality is packaged in pre-cut elongated strips which are formed of an ultrathin flexible that are utilized in support of the arch of the foot, as an arch support strap.

The tape is pre-cut into flexible elongate-shaped strips:



Source: Product photo

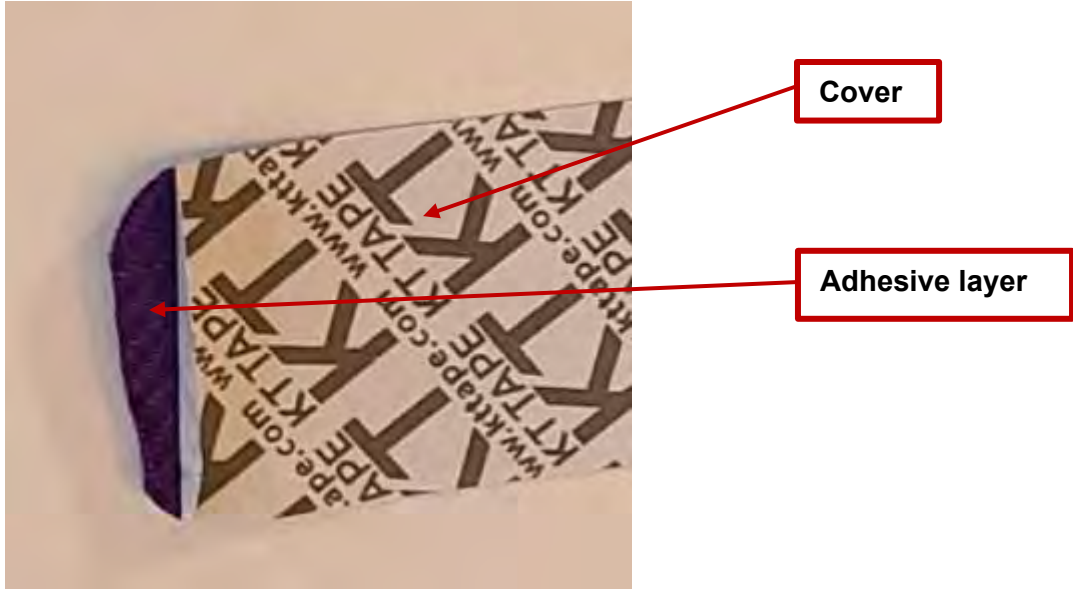
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The tape strips are ultra-thin:

Caliper or Thickness (PSTC-133)			
measured over 2" width x 10" length			
Sample ID	Total mils	Liner mils	Backing/Adhesive mils
Target Black	22.7	3.2	19.5
CVS Cotton Beige	26.0	5.2	20.7
CVS Pro Black	22.0	5.0	17.0
KT Pro Blue	21.0	4.6	16.4
KT Cotton Blue	24.6	4.6	20.0
KT ExtremeBlack	21.9	5.7	16.3
KT Cotton Beige	24.5	4.8	19.7

Source: Lab Report

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	<p>The tape strips have an adhesive layer on the underside:</p>  <p>Source: Product photo</p>
<p><i>Element 15[b]:</i> said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the</p>	<p><i>The Accused Instrumentality’s foot arch supporting straps comes with an adhesive underside which can be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot.</i></p> <p>The underside surface is adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof:</p>

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foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof,



Source: Product packaging

As shown below, the instructions instruct the user to secure the underside surface over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof as indicated by the blue tape below:

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Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT Pro Kinesiology Tape**0% STRETCH**

FINISH: apply last two inches of tape on outside of foot without stretch

Source: Enlargement of the preceding instructions

Element 15[c]:
said flexible material
having a tensile strength of
at least 25 lb/in-width and

The Accused Instrumentalities' arch support straps are made of a flexible material having a tensile strength of at least 25 lb/in-width.

	Machine Direction		Cross-Machine Direction .5" Wide	
	Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile
1	15.983 lbf/in	150.60 %	118.540 lbf/in	34.80 %
2	16.104 lbf/in	144.40 %	102.980 lbf/in	32.80 %
3	13.296 lbf/in	133.60 %	104.340 lbf/in	32.20 %
4	15.789 lbf/in	150.80 %	106.180 lbf/in	32.60 %
5	16.186 lbf/in	152.00 %	110.930 lbf/in	32.60 %
je	15.472 lbf/in	146.28 %	108.594 lbf/in	33.00 %

Source: Lab Report

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<p><i>Element 15[d]:</i></p> <p>a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and</p>	<p><i>The Accused Instrumentalities’ arch support straps have an elongation to tensile strength (lb/in-width) that is less than 0.9 in a longitudinal or transverse dimension.</i></p> <p>The support layer has a ratio of elongation to tensile strength (lb/in-width) that is less than 0.9.</p> <table><tr><td>n:</td><td colspan="2">Machine Direction</td><td colspan="2">Cross-Machine Direction .5" Wide</td></tr><tr><td></td><td>Breaking Force</td><td>Elong. @ Max Tensile</td><td>Breaking Force</td><td>Elong. @ Max Tensile</td></tr><tr><td>1</td><td>15.983 lbf/in</td><td>150.60 %</td><td>118.540 lbf/in</td><td>34.80 %</td></tr><tr><td>2</td><td>16.104 lbf/in</td><td>144.40 %</td><td>102.980 lbf/in</td><td>32.80 %</td></tr><tr><td>3</td><td>13.296 lbf/in</td><td>133.60 %</td><td>104.340 lbf/in</td><td>32.20 %</td></tr><tr><td>4</td><td>15.789 lbf/in</td><td>150.80 %</td><td>106.180 lbf/in</td><td>32.60 %</td></tr><tr><td>5</td><td>16.186 lbf/in</td><td>152.00 %</td><td>110.930 lbf/in</td><td>32.60 %</td></tr><tr><td>je</td><td>15.472 lbf/in</td><td>146.28 %</td><td>108.594 lbf/in</td><td>33.00 %</td></tr></table> <p>Source: Lab Report</p> <p>33.00 / 108.594 = 0.30</p> <p>As shown above, the sole member has a ratio of elongation to tensile strength that is less than 0.9.</p>	n:	Machine Direction		Cross-Machine Direction .5" Wide			Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile	1	15.983 lbf/in	150.60 %	118.540 lbf/in	34.80 %	2	16.104 lbf/in	144.40 %	102.980 lbf/in	32.80 %	3	13.296 lbf/in	133.60 %	104.340 lbf/in	32.20 %	4	15.789 lbf/in	150.80 %	106.180 lbf/in	32.60 %	5	16.186 lbf/in	152.00 %	110.930 lbf/in	32.60 %	je	15.472 lbf/in	146.28 %	108.594 lbf/in	33.00 %
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<p><i>Element 15[e]:</i></p>	<p><i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.</i></p>																																								

'818 PATENT — KT Pro Kinesiology Tape

and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

180° Peel (PSTC-101 A)			
1 minute dwell on ss; 12"/minute removal			
Sample ID	average oz/inch	Standard deviation	Mode of Failure
Target Black	25.3	0.5	A, L1, Gh1
CVS Cotton Beige	16.3	1.1	A, L1, Gh1
CVS Pro Black	24.4	2.4	A9C1, L1, Gh1
KT Pro Blue	13.6	0.7	A, L1, Gh1
KT Cotton Blue	12.9	1.1	A, L1, Gh1
KT ExtremeBlack	14.5	1.2	A, L1, Gh1
KT Cotton Beige	12.0	0.9	A, L1, Gh1

Numbers 1 to 9 = %, as A9C1 is a 90% clean peel with 10% cohesive split of the adhesive to the substrate.

A - adhesive failure - the adhesive was removed from the substrate cleanly.

C - cohesive failure - the adhesive split, leaving residue on both the face stock and substrate.

Numbers 1 to 3 1 = slight 2 = moderate 3 = severe

GH - ghosting - a shadow or stain remained on the substrate.

L - legging - the condition of a soft adhesive when strings or legs are formed when it is pulled.

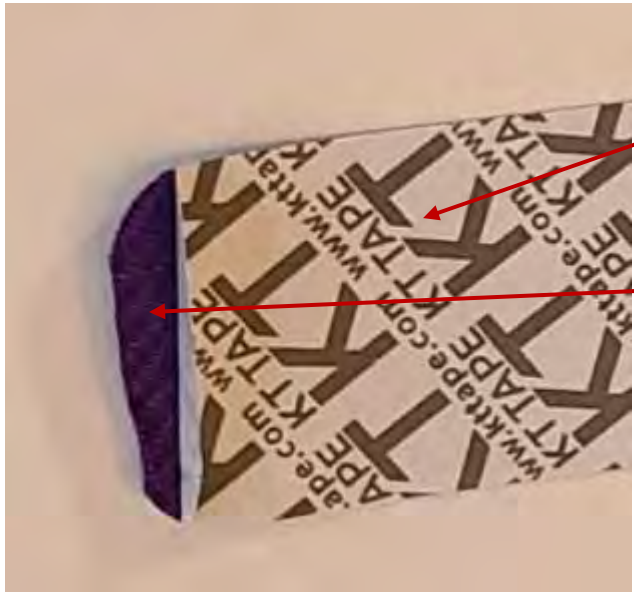
Source: Lab report

The adhesive layer has strong adhesion (13.6 average oz/inch).

‘818 PATENT — KT Pro Kinesiology Tape

<p><i>Element 19[pre]:</i></p> <p>Claim 19: A method for treating plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user, comprising the steps of:</p>	<p><i>The Accused Instrumentality is a disposable orthotic foot arch support strap for a patient’s foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a musculoskeletal system of a foot of a user.</i></p> <p>The advertising, offer of sale, and sale of the accused tape induces users to treat plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 19[a]:</i></p> <p>removing a release liner sheet from an adhesive layer of an ultrathin, elongate sole support strap formed of a flexible material having the adhesive layer on an underside surface thereof, wherein the adhesive layer</p>	<p><i>The Accused Instrumentalities’ sole supporting straps is made of ultrathin flexible materials having an adhesive layer from which a release liner sheet is removed. The adhesive layer which is an acrylic based medical grade adhesive is covered by a release liner sheet which prevents drying or removal of the adhesive on the tape.</i></p> <p>When used in its normal and customary way, the user removes a release liner sheet from the adhesive layer of the tape prior to applying the tape on the user’s body.</p>

‘818 PATENT — KT Pro Kinesiology Tape

<p>is covered by the removable release liner sheet,</p>	<div data-bbox="604 207 1234 795">  </div> <div data-bbox="1392 267 1822 332"> <p>Removable release liner</p> </div> <div data-bbox="1392 454 1671 527"> <p>Adhesive layer</p> </div> <p>Source: Product photo</p> <p>The tape strips are an ultrathin, elongate sole support strap formed of a flexible material: <i>See Element 15[a] above.</i></p>
<p><i>Element 19[b]:</i> said underside surface having a contiguous ball of foot portion, a midfoot portion, and a heel portion,</p>	<p>The product instructions lead the user in applying two strips generally transversely around the midfoot. The portion of these strip where they contact the sole provide continuous support from the ball of the foot to the heel portion of the foot. <i>See Element 15[b] above.</i></p>

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<i>Element 19[c]:</i> said flexible material having a tensile strength of at least 25 lb/in-width and	The Accused Instrumentality has a support layer made of a flexible material having a tensile strength of at least 25 lb/in-width. <i>See Element 15[c] above.</i>
<i>Element 19[d]:</i> a ratio of elongate-to- tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and	The Accused Instrumentalities’ support layer has an elongation to tensile strength (lb/in-width) ratio of less than 0.9. <i>See Element 15[d] above.</i>
<i>Element 19[e]:</i> said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot; and	<i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot.</i> <i>See Element 15[e] above.</i>
<i>Element 19[f]:</i>	The product instructions lead the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof:

'818 PATENT — KT Pro Kinesiology Tape

adhering said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof, and



Source: Product packaging

As shown below, the instructions instruct the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof as shown below:

STRIP THREE

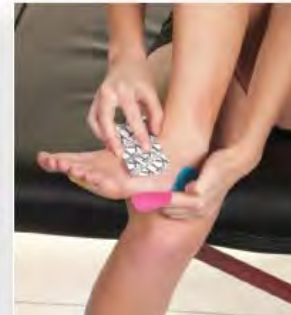
0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH


APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

‘818 PATENT — KT Pro Kinesiology Tape

	Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf
<p><i>Element 19[g]:</i></p> <p>adhering said heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof and prevent slippage of said sole support strap,</p>	<p>The product instructions lead the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof:</p>  <p>Source: Product packaging</p> <p>As shown below, the instructions instruct the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof as shown below:</p>

‘818 PATENT — KT Pro Kinesiology Tape



Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch




0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT Pro Kinesiology Tape

<p><i>Element 19[h]:</i></p> <p>wherein said sole support strap, in the adhered condition, flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</p>	<p><i>The tape flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</i></p> <p>As shown below, the instructions confirm that this tape is to be used for plantar fasciitis.</p>  <p>Source: Product packaging</p>
<p><i>Element 20[pre]:</i></p> <p>Claim 20: The method according to claim 19, comprising the further steps of:</p>	<p>The advertising, offer of sale, and sale of the accused tape induces users adhere an arch support strap transversely over the sole support strap when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>

‘818 PATENT — KT Pro Kinesiology Tape

<p><i>Element 20[a]:</i></p> <p>adhering an arch support strap transversely over the sole support strap, wherein the arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet, said flexible material and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot;</p>	<p>The included instructions instruct the user to adhere an arch support strap transversely over the sole support strap. <i>See Element 15[b] above.</i></p> <p>The arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet. <i>See Element 15[a] above.</i></p> <p>The arch support strap comprises an adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot. <i>See Element 15[e] above.</i></p> <p>The user's act of adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Elements 19[b] and 19[f] above.</i></p>
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‘818 PATENT — KT Pro Kinesiology Tape

<p>wherein adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot.</p>	<p>The included instructions instruct the user to adhere said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Element 15[b] above.</i></p>
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GZJ KDV'33''

U.S. PATENT NO. 8,814,818 –
KT (ORIGINAL) KINESIOLOGY TAPE

'818 PATENT — KT (Original) Kinesiology Tape**Plaintiff's Disclosure of Asserted Claims and Preliminary Infringement Contentions¹**

Claim 15	Accused Instrumentalities: KT (Original) Kinesiology Tape
Infringement Assertion against the Accused Instrumentalities:	

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‘818 PATENT — KT (Original) Kinesiology Tape**Claim 15:**

15. A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot of a user, comprising: an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof, said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof, said flexible material having a tensile strength of at least 25 lb/in-width and a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

Claim 15 as asserted against the Accused Instrumentalities:	
<i>Element 15[pre]:</i> Claim 15: A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and	<i>The Accused Instrumentalities are disposable orthotic foot arch support straps for a patient's foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot.</i>

'818 PATENT — KT (Original) Kinesiology Tape

musculoskeletal system of
a foot of a user,
comprising:



Source: Product packaging

'818 PATENT — KT (Original) Kinesiology Tape



Source: Product packaging

'818 PATENT — KT (Original) Kinesiology Tape



Source: Product instructions included in product package

'818 PATENT — KT (Original) Kinesiology Tape

WATCH HOW-TO VIDEOS
kttape.com/instructions

APPLICATIONS FOR MANY COMMON INJURIES*

- Runner's Knee
- Plantar Fasciitis
- General Shoulder Pain
- General Knee Pain
- Shin Splints
- Medial Knee Pain
- Neck & Shoulder Pain
- Jumper's Knee
- Lower Back Pain
- Lateral Knee Pain
- AC Joint Sprain
- Front Shoulder Pain
- SI Joint Pain
- Peroneal Tendinitis
- Wrist Sprain
- Hip Flexor
- Pain on Top of Foot
- Heel Pain
- Foot Pad Pain
- ITBS at Hip



*Not clinically proven for all injuries

DON'T SEE YOUR INJURY HERE? FIND MANY COMMON APPLICATIONS AT: kttape.com/instructions

WARNING: If you have sensitive skin or a skin condition, or if you are using the tape on a child, please consult a healthcare professional before using the tape. Do not use the tape on open wounds or broken skin.

TAPE REMOVAL:

Begin by peeling tape up at a corner. Hold skin down where tape is being pulled off with one hand while gently pulling tape up with the other hand. Remove slowly.

FOR SENSITIVE SKIN, EARLY REMOVAL OR STRONG ADHESIVE:

In case of sensitive skin, early removal or when the tape is difficult to remove, rub baby oil or olive oil into the top of the tape to help break down the adhesive. Wait two minutes and then slowly remove.

LEARN ABOUT OUR PRODUCTS AT www.kttape.com

ORIGINAL	PRO™	PRO EXTREME™	GENTLE	PRO™ WIDE
Standard Tape (1.5" x 5.0')	Supportive Tape (1.5" x 5.0')	Strong Supportive Tape (1.5" x 5.0')	Soft Supportive Tape (1.5" x 5.0')	Wide Supportive Tape (2.5" x 5.0')

RECOVERY PATCH™	KT RECOVERY™	ICE/HEAT MASSAGE BALL	BLISTER PREVENTION TAPE™	BLISTER TREATMENT PATCH™
Reduces Inflammation & Pain	Reduces Inflammation & Pain	Reduces Inflammation & Pain	Reduces Inflammation & Pain	Reduces Inflammation & Pain

*Not clinically proven for all injuries

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Source: Product instructions included in product package

'818 PATENT — KT (Original) Kinesiology Tape



Source: Enlargement of product instructions – indicating treatment for plantar fasciitis

‘818 PATENT — KT (Original) Kinesiology Tape

K KT TAPE

PLANTAR FASCIITIS

AVERAGE DAYS WEAR
KT TAPE PRO

APPLICATION OVERVIEW
The plantar fascia, or arch tendon, is a thick band of connective tissue that runs from the heel to the front of the foot. Arch pain may be triggered by overtraining, poor-fitting or worn shoes, weight gain, over pronation, or abnormal foot structure. KT Tape helps treat this condition by offering support and resting the tissues.

BEFORE YOU START
YOU WILL NEED
3 strips of KT TAPE

APPLY BEFORE ACTIVITY
Apply one hour before beginning activity

CLEAN SKIN
Clean dirt, oils and lotions from area

ACTIVATE ADHESIVE
After application rub tape vigorously to activate adhesive

STRIP ONE

BODY POSITION
Point toes up toward shin

0% STRETCH
ANCHOR: full strip on ball of foot as shown without stretch

50% STRETCH
APPLY: strip along bottom of foot and up back of heel as shown with 50% stretch on tape

0% STRETCH
FINISH: lay end down without stretch and smooth tape against the arch

STRIP TWO

0% STRETCH
ANCHOR: second full strip four inches above inside of ankle without stretch

80% STRETCH
APPLY: tape around bottom of heel and up outside of ankle with 80% stretch on tape

0% STRETCH
FINISH: apply last two inches of tape without stretch

STRIP THREE

0% STRETCH
ANCHOR: full strip slightly behind first strip angled toward the arch without stretch

80% STRETCH
APPLY: tape across arch with 80% stretch

0% STRETCH
FINISH: apply last two inches of tape on outside of foot without stretch

WATCH THE VIDEO
[kttape.com/instructions/plantar-fasciitis](https://www.kttape.com/instructions/plantar-fasciitis)

Discontinue use if skin becomes irritated or sore. Instructions provided are for educational use only. KT TAPE is not a replacement for professional medical care. Cancer patients should not use KT TAPE as it may interfere with treatment. Do not use on children.

Source: Product website at https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf – indicating treatment for plantar fasciitis

'818 PATENT — KT (Original) Kinesiology Tape

Element 15[a]:

an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof,

The Accused Instrumentality is packaged in pre-cut elongated strips which are formed of an ultrathin flexible that are utilized in support of the arch of the foot, as an arch support strap.

The tape is pre-cut into flexible elongate-shaped strips:



Source: Product photo

'818 PATENT — KT (Original) Kinesiology Tape

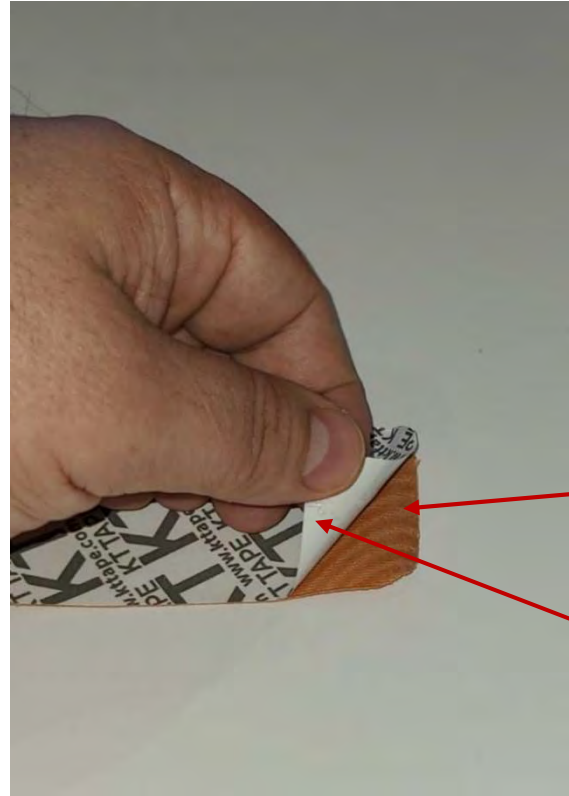
The tape strips are ultra-thin:

Caliper or Thickness (PSTC-133)			
measured over 2" width x 10" length			
Sample ID	Total mils	Liner mils	Backing/Adhesive mils
Target Black	22.7	3.2	19.5
CVS Cotton Beige	26.0	5.2	20.7
CVS Pro Black	22.0	5.0	17.0
KT Pro Blue	21.0	4.6	16.4
KT Cotton Blue	24.6	4.6	20.0
KT ExtremeBlack	21.9	5.7	16.3
KT Cotton Beige	24.5	4.8	19.7

Source: Lab Report

‘818 PATENT — KT (Original) Kinesiology Tape

The tape strips have an adhesive layer on the underside:



Adhesive layer

Cover

Source: Product photo

Element 15[b]:
said underside surface
adapted to be secured
transversely over a midfoot

The Accused Instrumentality’s foot arch supporting straps comes with an adhesive underside which can be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot.

'818 PATENT — KT (Original) Kinesiology Tape

portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof,

The underside surface is adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof:



Source: Product packaging

As shown below, the instructions instruct the user to secure the underside surface over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof as indicated by the blue tape below:

‘818 PATENT — KT (Original) Kinesiology Tape



Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT (Original) Kinesiology Tape**0% STRETCH**

FINISH: apply last two inches of tape on outside of foot without stretch

Source: Enlargement of the preceding instructions

Element 15[c]:

said flexible material
having a tensile strength of
at least 25 lb/in-width and

The Accused Instrumentalities' arch support straps are made of a flexible material having a tensile strength of at least 25 lb/in-width.

	Machine Direction		Cross-Machine Direction .5" Wide	
	Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile
1	15.718 lbf/in	115.80 %	39.314 lbf/in	20.60 %
2	17.505 lbf/in	127.40 %	43.357 lbf/in	18.80 %
3	18.421 lbf/in	125.60 %	37.816 lbf/in	19.60 %
4	15.433 lbf/in	127.20 %	28.436 lbf/in	19.80 %
5	17.877 lbf/in	129.40 %	42.558 lbf/in	20.80 %
je	16.991 lbf/in	125.08 %	38.296 lbf/in	19.92 %

Source: Lab Report

'818 PATENT — KT (Original) Kinesiology Tape

<p><i>Element 15[d]:</i> a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and</p>	<p><i>The Accused Instrumentalities' arch support straps have an elongation to tensile strength (lb/in-width) that is less than 0.9 in a longitudinal or transverse dimension.</i></p> <p>The support layer has a ratio of elongation to tensile strength (lb/in-width) that is less than 0.9.</p> <table><tr><td>n:</td><td colspan="2">Machine Direction</td><td colspan="2">Cross-Machine Direction .5" Wide</td></tr><tr><td></td><td>Breaking Force</td><td>Elong. @ Max Tensile</td><td>Breaking Force</td><td>Elong. @ Max Tensile</td></tr><tr><td>1</td><td>15.718 lbf/in</td><td>115.80 %</td><td>39.314 lbf/in</td><td>20.60 %</td></tr><tr><td>2</td><td>17.505 lbf/in</td><td>127.40 %</td><td>43.357 lbf/in</td><td>18.80 %</td></tr><tr><td>3</td><td>18.421 lbf/in</td><td>125.60 %</td><td>37.816 lbf/in</td><td>19.60 %</td></tr><tr><td>4</td><td>15.433 lbf/in</td><td>127.20 %</td><td>28.436 lbf/in</td><td>19.80 %</td></tr><tr><td>5</td><td>17.877 lbf/in</td><td>129.40 %</td><td>42.558 lbf/in</td><td>20.80 %</td></tr><tr><td>je</td><td>16.991 lbf/in</td><td>125.08 %</td><td>38.296 lbf/in</td><td>19.92 %</td></tr></table> <p>Source: Lab Report</p> <p>19.92 / 38.296 = 0.52</p> <p>As shown above, the sole member has a ratio of elongation to tensile strength that is less than 0.9.</p>	n:	Machine Direction		Cross-Machine Direction .5" Wide			Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile	1	15.718 lbf/in	115.80 %	39.314 lbf/in	20.60 %	2	17.505 lbf/in	127.40 %	43.357 lbf/in	18.80 %	3	18.421 lbf/in	125.60 %	37.816 lbf/in	19.60 %	4	15.433 lbf/in	127.20 %	28.436 lbf/in	19.80 %	5	17.877 lbf/in	129.40 %	42.558 lbf/in	20.80 %	je	16.991 lbf/in	125.08 %	38.296 lbf/in	19.92 %
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je	16.991 lbf/in	125.08 %	38.296 lbf/in	19.92 %																																					
<p><i>Element 15[e]:</i></p>	<p><i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.</i></p>																																								

'818 PATENT — KT (Original) Kinesiology Tape

and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

180° Peel (PSTC-101 A)			
1 minute dwell on ss; 12"/minute removal			
Sample ID	average oz/inch	Standard deviation	Mode of Failure
Target Black	25.3	0.5	A, L1, Gh1
CVS Cotton Beige	16.3	1.1	A, L1, Gh1
CVS Pro Black	24.4	2.4	A9C1, L1, Gh1
KT Pro Blue	13.6	0.7	A, L1, Gh1
KT Cotton Blue	12.9	1.1	A, L1, Gh1
KT ExtremeBlack	14.5	1.2	A, L1, Gh1
KT Cotton Beige	12.0	0.9	A, L1, Gh1

Numbers 1 to 9 = %, as A9C1 is a 90% clean peel with 10% cohesive split of the adhesive to the substrate.

A - adhesive failure - the adhesive was removed from the substrate cleanly.

C - cohesive failure - the adhesive split, leaving residue on both the face stock and substrate.

Numbers 1 to 3 1 = slight 2 = moderate 3 = severe

GH - ghosting - a shadow or stain remained on the substrate.

L - legging - the condition of a soft adhesive when strings or legs are formed when it is pulled.

Source: Lab report

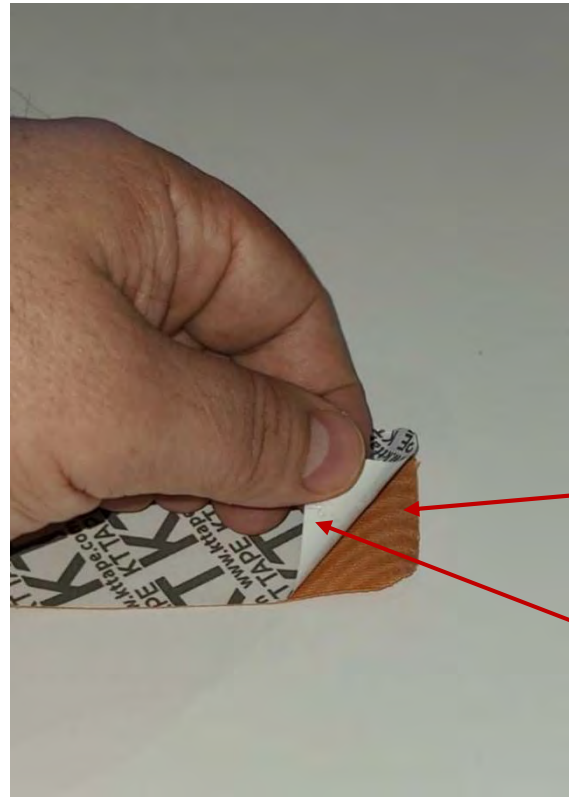
The adhesive layer has strong adhesion (12.9 average oz/inch).

‘818 PATENT — KT (Original) Kinesiology Tape

<p><i>Element 19[pre]:</i></p> <p>Claim 19: A method for treating plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user, comprising the steps of:</p>	<p><i>The Accused Instrumentality is a disposable orthotic foot arch support strap for a patient’s foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a musculoskeletal system of a foot of a user.</i></p> <p>The advertising, offer of sale, and sale of the accused tape induces users to treat plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 19[a]:</i></p> <p>removing a release liner sheet from an adhesive layer of an ultrathin, elongate sole support strap formed of a flexible material having the adhesive layer on an underside surface thereof, wherein the adhesive layer</p>	<p><i>The Accused Instrumentalities’ sole supporting straps is made of ultrathin flexible materials having an adhesive layer from which a release liner sheet is removed. The adhesive layer which is an acrylic based medical grade adhesive is covered by a release liner sheet which prevents drying or removal of the adhesive on the tape.</i></p> <p>When used in its normal and customary way, the user removes a release liner sheet from the adhesive layer of the tape prior to applying the tape on the user’s body.</p>

‘818 PATENT — KT (Original) Kinesiology Tape

is covered by the
removable release liner
sheet,



Adhesive layer

Removable release liner


Source: Product photo

The tape strips are an ultrathin, elongate sole support strap formed of a flexible material: *See Element 15[a] above.*



'818 PATENT — KT (Original) Kinesiology Tape

<i>Element 19[b]:</i> said underside surface having a contiguous ball of foot portion, a midfoot portion, and a heel portion,	The product instructions lead the user in applying two strips generally transversely around the midfoot. The portion of these strip where they contact the sole provide continuous support from the ball of the foot to the heel portion of the foot. <i>See Element 15[b] above.</i>
<i>Element 19[c]:</i> said flexible material having a tensile strength of at least 25 lb/in-width and	The Accused Instrumentality has a support layer made of a flexible material having a tensile strength of at least 25 lb/in-width. <i>See Element 15[c] above.</i>
<i>Element 19[d]:</i> a ratio of elongate-to- tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and	The Accused Instrumentalities' support layer has an elongation to tensile strength (lb/in-width) ratio of less than 0.9. <i>See Element 15[d] above.</i>
<i>Element 19[e]:</i> said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said sole	<i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot.</i> <i>See Element 15[e] above.</i>

'818 PATENT — KT (Original) Kinesiology Tape

<p>support strap when secured to a skin surface of the foot; and</p>	
<p><i>Element 19[f]:</i></p> <p>adhering said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof, and</p>	<p>The product instructions lead the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof:</p>  <p>Source: Product packaging</p> <p>As shown below, the instructions instruct the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof as shown below:</p>

'818 PATENT — KT (Original) Kinesiology Tape

	<p>STRIP THREE</p>  <p>0% STRETCH ANCHOR: full strip slightly behind first strip angled toward the arch without stretch</p> <p>80% STRETCH APPLY: tape across arch with 80% stretch</p> <p>0% STRETCH FINISH: apply last two inches of tape on outside of foot without stretch</p> <p>Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf</p>
<p><i>Element 19[g]:</i> adhering said heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof and prevent slippage of said sole support strap,</p>	<p>The product instructions lead the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof:</p>  <p>Source: Product packaging</p>


‘818 PATENT — KT (Original) Kinesiology Tape

As shown below, the instructions instruct the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof as shown below:




Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

‘818 PATENT — KT (Original) Kinesiology Tape

	<p>STRIP THREE</p>  <p>0% STRETCH ANCHOR: full strip slightly behind first strip angled toward the arch without stretch</p> <p>80% STRETCH APPLY: tape across arch with 80% stretch</p> <p>0% STRETCH FINISH: apply last two inches of tape on outside of foot without stretch</p> <p>Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf</p>
<p><i>Element 19[h]:</i> wherein said sole support strap, in the adhered condition, flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress</p>	<p><i>The tape flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</i></p> <p>As shown below, the instructions confirm that this tape is to be used for plantar fasciitis.</p>

'818 PATENT — KT (Original) Kinesiology Tape

<p>throughout a walking gait cycle.</p>	 <p>Source: Product packaging</p>
<p><i>Element 20[pre]:</i> Claim 20: The method according to claim 19, comprising the further steps of:</p>	<p>The advertising, offer of sale, and sale of the accused tape induces users adhere an arch support strap transversely over the sole support strap when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 20[a]:</i> adhering an arch support strap transversely over the sole support strap, wherein the arch support strap</p>	<p>The included instructions instruct the user to adhere an arch support strap transversely over the sole support strap. <i>See Element 15[b] above.</i></p>

'818 PATENT — KT (Original) Kinesiology Tape

<p>comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet, said flexible material and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot;</p>	<p>The arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet. <i>See Element 15[a] above.</i></p> <p>The arch support strap comprises an adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot. <i>See Element 15[e] above.</i></p> <p>The user's act of adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Elements 19[b] and 19[f] above.</i></p>
<p>wherein adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin</p>	<p>The included instructions instruct the user to adhere said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Element 15[b] above.</i></p>

'818 PATENT — KT (Original) Kinesiology Tape

surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot.	
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EXHIBIT 12

U.S. PATENT NO. 8,814,818 –
KT PRO EXTREME KINESIOLOGY TAPE

‘818 PATENT — KT Pro Extreme Kinesiology Tape**Plaintiff’s Disclosure of Asserted Claims and Preliminary Infringement Contentions¹**

Claim 15	Accused Instrumentalities: KT Pro Extreme Kinesiology Tape
Infringement Assertion against the Accused Instrumentalities:	

¹ Plaintiff provides these infringement contentions before obtaining discovery from Defendant. Plaintiff expects that Defendant and/or third parties will produce information regarding Defendant’s instrumentalities beyond that which is publicly available. Accordingly, Plaintiff reserves the right to modify these infringement contentions based upon Defendant’s document production and/or other information made available to Plaintiff through discovery.

Plaintiff’s infringement contentions are intended to explain Plaintiff’s theories of infringement and do not constitute evidence. Plaintiff’s infringement contentions are not intended to set forth a *prima facie* case of infringement or evidence in support thereof. Certain portions of the chart below may apply to more than one Accused Instrumentality. Certain portions of the chart below may reference other charts, and may be referenced by other charts.

The Accused Instrumentalities often practice the claim elements in numerous alternative ways in accordance with the present chart. The Accused Instrumentalities should be assumed to act alone or in combination as referenced herein and interpreted in the singular or plural accordingly. Defendant further provides the Accused Instrumentalities as well as the instructions to customers/users causing them to use the Accused Instrumentalities in an infringing manner, including, without limitation, in their default and expected uses.

Each element of this claim, except where noted otherwise, and each element of the asserted claims dependent thereon, is present literally or under the doctrine of equivalents in the Accused Instrumentalities. To the extent each element of this claim, and the asserted claims dependent thereon are not present literally in the Accused Instrumentalities, each element is present under the doctrine of equivalents because there is no substantial difference between the elements of the asserted claims and the corresponding functionality in the Accused Instrumentality, i.e., the corresponding functionality in the accused product performs substantially the same function, in substantially the same way to achieve substantially the same results as the claimed elements.

'818 PATENT — KT Pro Extreme Kinesiology Tape**Claim 15:**

15. A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot of a user, comprising: an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof, said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof, said flexible material having a tensile strength of at least 25 lb/in-width and a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

Claim 15 as asserted against the Accused Instrumentalities:	
<i>Element 15[pre]:</i> Claim 15: A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and	<i>The Accused Instrumentalities are disposable orthotic foot arch support straps for a patient's foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot.</i>

‘818 PATENT — KT Pro Extreme Kinesiology Tape

musculoskeletal system of
a foot of a user,
comprising:



Source: Product packaging

'818 PATENT — KT Pro Extreme Kinesiology Tape



Source: Product packaging

'818 PATENT — KT Pro Extreme Kinesiology Tape



Source: Product packaging

'818 PATENT — KT Pro Extreme Kinesiology Tape



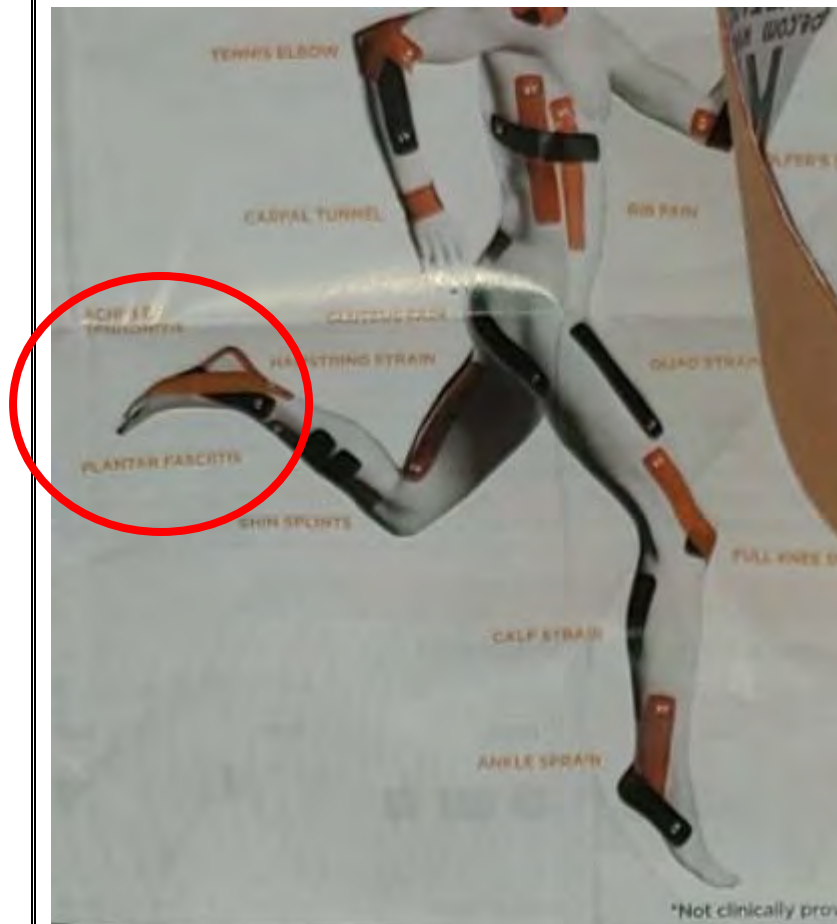
Source: Product instructions included in product package

'818 PATENT — KT Pro Extreme Kinesiology Tape



Source: Product instructions included in product package

'818 PATENT — KT Pro Extreme Kinesiology Tape



Source : Enlargement of product insert

'818 PATENT — KT Pro Extreme Kinesiology Tape



Source: Enlargement of product instructions – indicating treatment for plantar fasciitis

‘818 PATENT — KT Pro Extreme Kinesiology Tape

K **PLANTAR FASCIITIS**
KT TAPE PRO

AVERAGE DAYS WEAR
KT TAPE PRO

APPLICATION OVERVIEW
The plantar fascia, or arch tendon, is a thick band of connective tissue that runs from the heel to the front of the foot. Arch pain may be triggered by overtraining, poor-lifting or worn shoes, weight gain, over pronation, or abnormal foot structure. KT Tape helps treat this condition by offering support and resting the tissues.

BEFORE YOU START
YOU WILL NEED
3 strips of KT TAPE

APPLY BEFORE ACTIVITY
Apply one hour before beginning activity

CLEAN SKIN
Clean dirt, oils and lotions from area

ACTIVATE ADHESIVE
After application rub tape vigorously to activate adhesive

BODY POSITION
Point toes up toward shin

STRIP ONE

0% STRETCH
ANCHOR: full strip on ball of foot as shown without stretch

50% STRETCH
APPLY: strip along bottom of foot and up back of heel as shown with 50% stretch on tape

0% STRETCH
FINISH: lay end down without stretch and smooth tape against the arch

STRIP TWO

0% STRETCH
ANCHOR: second full strip four inches above inside of ankle without stretch

80% STRETCH
APPLY: tape around bottom of heel and up outside of ankle with 80% stretch on tape

0% STRETCH
FINISH: apply last two inches of tape without stretch

STRIP THREE

0% STRETCH
ANCHOR: full strip slightly behind first strip angled toward the arch without stretch

80% STRETCH
APPLY: tape across arch with 80% stretch

0% STRETCH
FINISH: apply last two inches of tape on outside of foot without stretch

WATCH THE VIDEO
[kttape.com/instructions/plantar-fasciitis](https://www.kttape.com/instructions/plantar-fasciitis)

Discontinue use if skin becomes irritated or sore. Instructions provided are for educational use only. KT TAPE is not a replacement for professional medical care. Cancer patients should not use KT TAPE as it may interfere with treatment. Do not use on abdomen.

Source: Product website at https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf – indicating treatment for plantar fasciitis

'818 PATENT — KT Pro Extreme Kinesiology Tape

Element 15[a]:

an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof,

The Accused Instrumentality is packaged in pre-cut elongated strips which are formed of an ultrathin flexible that are utilized in support of the arch of the foot, as an arch support strap.

The tape is pre-cut into flexible elongate-shaped strips:



Source: Product photo


'818 PATENT — KT Pro Extreme Kinesiology Tape

The tape strips are ultra-thin:

Caliper or Thickness (PSTC-133)			
measured over 2" width x 10" length			
Sample ID	Total mils	Liner mils	Backing/Adhesive mils
Target Black	22.7	3.2	19.5
CVS Cotton Beige	26.0	5.2	20.7
CVS Pro Black	22.0	5.0	17.0
KT Pro Blue	21.0	4.6	16.4
KT Cotton Blue	24.6	4.6	20.0
KT ExtremeBlack	21.9	5.7	16.3
KT Cotton Beige	24.5	4.8	19.7

Source: Lab Report

'818 PATENT — KT Pro Extreme Kinesiology Tape

	<p>The tape strips have an adhesive layer on the underside:</p>  <p>Source: Product photo</p>
<p><i>Element 15[b]:</i> said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the</p>	<p><i>The Accused Instrumentality's foot arch supporting straps comes with an adhesive underside which can be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot.</i></p> <p>The underside surface is adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof:</p>

'818 PATENT — KT Pro Extreme Kinesiology Tape

arch of the user's foot and conform to the curvature thereof,



Source: Product packaging

As shown below, the instructions instruct the user to secure the underside surface over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof as indicated by the blue tape below:

‘818 PATENT — KT Pro Extreme Kinesiology Tape



Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT Pro Extreme Kinesiology Tape**0% STRETCH**

FINISH: apply last two inches of tape on outside of foot without stretch

Source: Enlargement of the preceding instructions

Element 15[c]:
said flexible material
having a tensile strength of
at least 25 lb/in-width and

The Accused Instrumentalities' arch support straps are made of a flexible material having a tensile strength of at least 25 lb/in-width.

	Machine Direction		Cross-Machine Direction .5" Wide	
	Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile
1	20.555 lbf/in	162.40 %	112.680 lbf/in	31.80 %
2	16.775 lbf/in	153.00 %	132.120 lbf/in	33.60 %
3	21.939 lbf/in	155.40 %	116.620 lbf/in	32.40 %
4	17.670 lbf/in	145.20 %	112.460 lbf/in	32.80 %
5	19.947 lbf/in	157.40 %	115.380 lbf/in	33.80 %
je	19.377 lbf/in	154.68 %	117.852 lbf/in	32.88 %

Source: Lab Report

'818 PATENT — KT Pro Extreme Kinesiology Tape

<p><i>Element 15[d]:</i></p> <p>a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and</p>	<p><i>The Accused Instrumentalities’ arch support straps have an elongation to tensile strength (lb/in-width) that is less than 0.9 in a longitudinal or transverse dimension.</i></p> <p>The support layer has a ratio of elongation to tensile strength (lb/in-width) that is less than 0.9.</p> <table><tr><th></th><th colspan="2">Machine Direction</th><th colspan="2">Cross-Machine Direction .5" Wide</th></tr><tr><th></th><th>Breaking Force</th><th>Elong. @ Max Tensile</th><th>Breaking Force</th><th>Elong. @ Max Tensile</th></tr><tr><td>1</td><td>20.555 lbf/in</td><td>162.40 %</td><td>112.680 lbf/in</td><td>31.80 %</td></tr><tr><td>2</td><td>16.775 lbf/in</td><td>153.00 %</td><td>132.120 lbf/in</td><td>33.60 %</td></tr><tr><td>3</td><td>21.939 lbf/in</td><td>155.40 %</td><td>116.620 lbf/in</td><td>32.40 %</td></tr><tr><td>4</td><td>17.670 lbf/in</td><td>145.20 %</td><td>112.460 lbf/in</td><td>32.80 %</td></tr><tr><td>5</td><td>19.947 lbf/in</td><td>157.40 %</td><td>115.380 lbf/in</td><td>33.80 %</td></tr><tr><td>je</td><td>19.377 lbf/in</td><td>154.68 %</td><td>117.852 lbf/in</td><td>32.88 %</td></tr></table> <p>Source: Lab Report</p> <p>32.88 / 117.852 = 0.28</p> <p>As shown above, the sole member has a ratio of elongation to tensile strength that is less than 0.9.</p>		Machine Direction		Cross-Machine Direction .5" Wide			Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile	1	20.555 lbf/in	162.40 %	112.680 lbf/in	31.80 %	2	16.775 lbf/in	153.00 %	132.120 lbf/in	33.60 %	3	21.939 lbf/in	155.40 %	116.620 lbf/in	32.40 %	4	17.670 lbf/in	145.20 %	112.460 lbf/in	32.80 %	5	19.947 lbf/in	157.40 %	115.380 lbf/in	33.80 %	je	19.377 lbf/in	154.68 %	117.852 lbf/in	32.88 %
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je	19.377 lbf/in	154.68 %	117.852 lbf/in	32.88 %																																					
<p><i>Element 15[e]:</i></p>	<p><i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.</i></p>																																								

'818 PATENT — KT Pro Extreme Kinesiology Tape

and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

180° Peel (PSTC-101 A)			
1 minute dwell on ss; 12"/minute removal			
Sample ID	average oz/inch	Standard deviation	Mode of Failure
Target Black	25.3	0.5	A, L1, Gh1
CVS Cotton Beige	16.3	1.1	A, L1, Gh1
CVS Pro Black	24.4	2.4	A9C1, L1, Gh1
KT Pro Blue	13.6	0.7	A, L1, Gh1
KT Cotton Blue	12.9	1.1	A, L1, Gh1
KT ExtremeBlack	14.5	1.2	A, L1, Gh1
KT Cotton Beige	12.0	0.9	A, L1, Gh1

Numbers 1 to 9 = %, as A9C1 is a 90% clean peel with 10% cohesive split of the adhesive to the substrate.

A - adhesive failure - the adhesive was removed from the substrate cleanly.

C - cohesive failure - the adhesive split, leaving residue on both the face stock and substrate.

Numbers 1 to 3 1 = slight 2 = moderate 3 = severe

GH - ghosting - a shadow or stain remained on the substrate.

L - legging - the condition of a soft adhesive when strings or legs are formed when it is pulled.


Source: Lab report

The adhesive layer has strong adhesion (14.5 average oz/inch).

‘818 PATENT — KT Pro Extreme Kinesiology Tape

<p><i>Element 19[pre]:</i></p> <p>Claim 19: A method for treating plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user, comprising the steps of:</p>	<p><i>The Accused Instrumentality is a disposable orthotic foot arch support strap for a patient’s foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a musculoskeletal system of a foot of a user.</i></p> <p>The advertising, offer of sale, and sale of the accused tape induces users to treat plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 19[a]:</i></p> <p>removing a release liner sheet from an adhesive layer of an ultrathin, elongate sole support strap formed of a flexible material having the adhesive layer on an underside surface thereof, wherein the adhesive layer</p>	<p><i>The Accused Instrumentalities’ sole supporting straps is made of ultrathin flexible materials having an adhesive layer from which a release liner sheet is removed. The adhesive layer which is an acrylic based medical grade adhesive is covered by a release liner sheet which prevents drying or removal of the adhesive on the tape.</i></p> <p>When used in its normal and customary way, the user removes a release liner sheet from the adhesive layer of the tape prior to applying the tape on the user’s body.</p>

'818 PATENT — KT Pro Extreme Kinesiology Tape

<p>is covered by the removable release liner sheet,</p>	<div data-bbox="615 209 1451 716">  </div> <div data-bbox="1493 415 1877 477" style="border: 1px solid red; padding: 2px;">Removable release liner</div> <div data-bbox="1520 574 1795 646" style="border: 1px solid red; padding: 2px;">Adhesive layer</div> <p>Source: Product photo</p> <p>The tape strips are an ultrathin, elongate sole support strap formed of a flexible material: <i>See Element 15[a] above.</i></p>
<p><i>Element 19[b]:</i> said underside surface having a contiguous ball of foot portion, a midfoot portion, and a heel portion,</p>	<p>The product instructions lead the user in applying two strips generally transversely around the midfoot. The portion of these strip where they contact the sole provide continuous support from the ball of the foot to the heel portion of the foot. <i>See Element 15[b] above.</i></p>
<p><i>Element 19[c]:</i></p>	<p>The Accused Instrumentality has a support layer made of a flexible material having a tensile strength of at least 25 lb/in-width. <i>See Element 15[c] above.</i></p>

‘818 PATENT — KT Pro Extreme Kinesiology Tape

said flexible material having a tensile strength of at least 25 lb/in-width and	
<i>Element 19[d]:</i> a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and	The Accused Instrumentalities’ support layer has an elongation to tensile strength (lb/in-width) ratio of less than 0.9. <i>See Element 15[d] above.</i>
<i>Element 19[e]:</i> said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot; and	<i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot.</i> <i>See Element 15[e] above.</i>
<i>Element 19[f]:</i> adhering said ball of foot portion and said midfoot	The product instructions lead the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof:

'818 PATENT — KT Pro Extreme Kinesiology Tape

portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof, and



Source: Product packaging

As shown below, the instructions instruct the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof as shown below:

STRIP THREE

0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH


APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

'818 PATENT — KT Pro Extreme Kinesiology Tape

	Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf
<p><i>Element 19[g]:</i></p> <p>adhering said heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof and prevent slippage of said sole support strap,</p>	<p>The product instructions lead the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof:</p>  <p>Source: Product packaging</p> <p>As shown below, the instructions instruct the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof as shown below:</p>

‘818 PATENT — KT Pro Extreme Kinesiology Tape



Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch




0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT Pro Extreme Kinesiology Tape

<p><i>Element 19[h]:</i></p> <p>wherein said sole support strap, in the adhered condition, flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</p>	<p><i>The tape flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</i></p> <p>As shown below, the instructions confirm that this tape is to be used for plantar fasciitis.</p>  <p>Source: Product packaging</p>
<p><i>Element 20[pre]:</i></p> <p>Claim 20: The method according to claim 19, comprising the further steps of:</p>	<p>The advertising, offer of sale, and sale of the accused tape induces users adhere an arch support strap transversely over the sole support strap when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>

'818 PATENT — KT Pro Extreme Kinesiology Tape

<p><i>Element 20[a]:</i></p> <p>adhering an arch support strap transversely over the sole support strap, wherein the arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet, said flexible material and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot;</p>	<p>The included instructions instruct the user to adhere an arch support strap transversely over the sole support strap. <i>See Element 15[b] above.</i></p> <p>The arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet. <i>See Element 15[a] above.</i></p> <p>The arch support strap comprises an adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot. <i>See Element 15[e] above.</i></p> <p>The user's act of adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Elements 19[b] and 19[f] above.</i></p>
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'818 PATENT — KT Pro Extreme Kinesiology Tape

<p>wherein adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot.</p>	<p>The included instructions instruct the user to adhere said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Element 15[b] above.</i></p>
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GZJ KDV'35''

U.S. PATENT NO. 8,814,818 –
KT GENTLE KINESIOLOGY TAPE

‘818 PATENT — KT Gentle Kinesiology Tape**Plaintiff’s Disclosure of Asserted Claims and Preliminary Infringement Contentions¹**

Claim 15	Accused Instrumentalities: KT Gentle Kinesiology Tape
Infringement Assertion against the Accused Instrumentalities:	

¹ Plaintiff provides these infringement contentions before obtaining discovery from Defendant. Plaintiff expects that Defendant and/or third parties will produce information regarding Defendant’s instrumentalities beyond that which is publicly available. Accordingly, Plaintiff reserves the right to modify these infringement contentions based upon Defendant’s document production and/or other information made available to Plaintiff through discovery.

Plaintiff’s infringement contentions are intended to explain Plaintiff’s theories of infringement and do not constitute evidence. Plaintiff’s infringement contentions are not intended to set forth a *prima facie* case of infringement or evidence in support thereof. Certain portions of the chart below may apply to more than one Accused Instrumentality. Certain portions of the chart below may reference other charts, and may be referenced by other charts.

The Accused Instrumentalities often practice the claim elements in numerous alternative ways in accordance with the present chart. The Accused Instrumentalities should be assumed to act alone or in combination as referenced herein and interpreted in the singular or plural accordingly. Defendant further provides the Accused Instrumentalities as well as the instructions to customers/users causing them to use the Accused Instrumentalities in an infringing manner, including, without limitation, in their default and expected uses.

Each element of this claim, except where noted otherwise, and each element of the asserted claims dependent thereon, is present literally or under the doctrine of equivalents in the Accused Instrumentalities. To the extent each element of this claim, and the asserted claims dependent thereon are not present literally in the Accused Instrumentalities, each element is present under the doctrine of equivalents because there is no substantial difference between the elements of the asserted claims and the corresponding functionality in the Accused Instrumentality, i.e., the corresponding functionality in the accused product performs substantially the same function, in substantially the same way to achieve substantially the same results as the claimed elements.

‘818 PATENT — KT Gentle Kinesiology Tape**Claim 15:**

15. A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot of a user, comprising: an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof, said underside surface adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof, said flexible material having a tensile strength of at least 25 lb/in-width and a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

Claim 15 as asserted against the Accused Instrumentalities:	
<i>Element 15[pre]:</i> Claim 15: A disposable orthotic foot arch support strap for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and	<i>The Accused Instrumentalities are disposable orthotic foot arch support straps for a patient's foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a sole, arch and musculoskeletal system of a foot.</i>

‘818 PATENT — KT Gentle Kinesiology Tape

musculoskeletal system of
a foot of a user,
comprising:

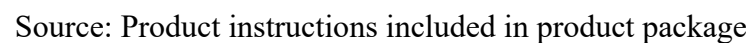


Source: Product packaging

'818 PATENT — KT Gentle Kinesiology Tape



Source: Product instructions included in product package



'818 PATENT — KT Gentle Kinesiology Tape



Source : Enlargement of product insert

‘818 PATENT — KT Gentle Kinesiology Tape



Source : Enlargement of product instructions – indicating treatment for plantar fasciitis

‘818 PATENT — KT Gentle Kinesiology Tape

K KT TAPE[®]

PLANTAR FASCIITIS

AVERAGE DAYS WEAR
KT TAPE PRO

APPLICATION OVERVIEW
The plantar fascia, or arch tendon, is a thick band of connective tissue that runs from the heel to the front of the foot. Arch pain may be triggered by overtraining, poor-lifting or worn shoes, weight gain, over pronation, or abnormal foot structure. KT Tape helps treat this condition by offering support and resting the tissues.

BEFORE YOU START
YOU WILL NEED
3 strips of KT TAPE

APPLY BEFORE ACTIVITY
Apply one hour before beginning activity

CLEAN SKIN
Clean dirt, oils and lotions from area

ACTIVATE ADHESIVE
After application rub tape vigorously to activate adhesive

BODY POSITION

STRIP ONE

0% STRETCH
ANCHOR: full strip on ball of foot as shown without stretch

50% STRETCH
APPLY: strip along bottom of foot and up back of heel as shown with 50% stretch on tape

0% STRETCH
FINISH: lay end down without stretch and smooth tape against the arch

STRIP TWO

0% STRETCH
ANCHOR: second full strip four inches above inside of ankle without stretch

80% STRETCH
APPLY: tape around bottom of heel and up outside of ankle with 80% stretch on tape

0% STRETCH
FINISH: apply last two inches of tape without stretch

STRIP THREE

0% STRETCH
ANCHOR: full strip slightly behind first strip angled toward the arch without stretch

80% STRETCH
APPLY: tape across arch with 80% stretch

0% STRETCH
FINISH: apply last two inches of tape on outside of foot without stretch

WATCH THE VIDEO
[kttape.com/instructions/plantar-fasciitis](https://www.kttape.com/instructions/plantar-fasciitis)

Discontinue use if skin becomes irritated or sore. Instructions provided are for educational use only. KT TAPE is not a replacement for professional medical care. Cancer patients should not use KT TAPE as it may interfere with treatment. Do not use on abdomen.

Source: Product website at https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf – indicating treatment for plantar fasciitis

‘818 PATENT — KT Gentle Kinesiology Tape

Element 15[a]:

an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof,

The Accused Instrumentality is packaged in pre-cut elongated strips which are formed of an ultrathin flexible that are utilized in support of the arch of the foot, as an arch support strap.

The tape is pre-cut into flexible elongate-shaped strips:



Source: Product photo

'818 PATENT — KT Gentle Kinesiology Tape

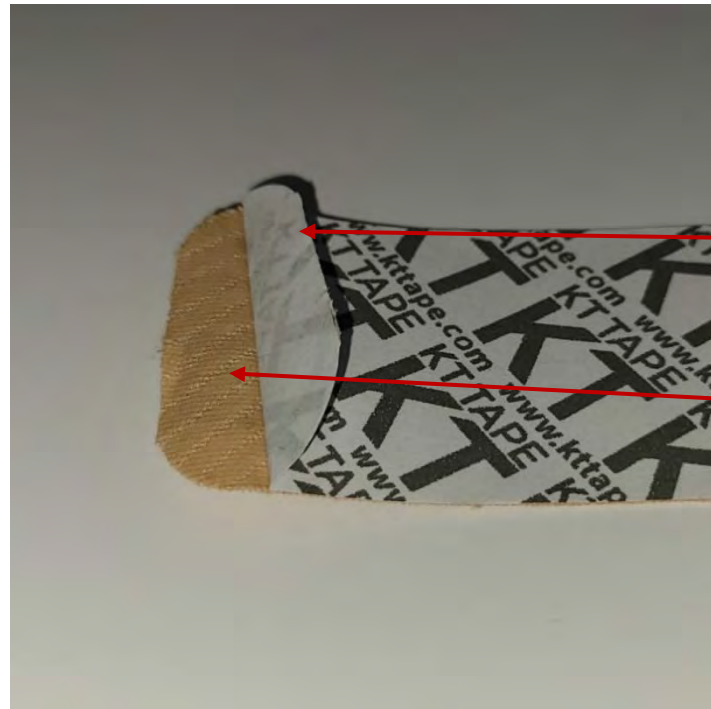
The tape strips are ultra-thin:

Caliper or Thickness (PSTC-133)			
measured over 2" width x 10" length			
Sample ID	Total mils	Liner mils	Backing/Adhesive mils
Target Black	22.7	3.2	19.5
CVS Cotton Beige	26.0	5.2	20.7
CVS Pro Black	22.0	5.0	17.0
KT Pro Blue	21.0	4.6	16.4
KT Cotton Blue	24.6	4.6	20.0
KT ExtremeBlack	21.9	5.7	16.3
KT Cotton Beige	24.5	4.8	19.7

Source: Lab Report

‘818 PATENT — KT Gentle Kinesiology Tape

The tape strips have an adhesive layer on the underside:



Source: Product photo

Element 15[b]:
said underside surface
adapted to be secured
transversely over a midfoot
portion of a longitudinal

The Accused Instrumentality’s foot arch supporting straps comes with an adhesive underside which can be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot.

'818 PATENT — KT Gentle Kinesiology Tape

arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof,

The underside surface is adapted to be secured transversely over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof:



Source : Enlargement of instructions

As shown below, the instructions instruct the user to secure the underside surface over a midfoot portion of a longitudinal arch between the ball of the foot and the heel of the foot and at least a portion of opposed sides of the arch of the user's foot and conform to the curvature thereof as indicated by the blue tape below:

‘818 PATENT — KT Gentle Kinesiology Tape



Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

STRIP THREE



0% STRETCH

ANCHOR: full strip slightly behind first strip angled toward the arch without stretch



80% STRETCH

APPLY: tape across arch with 80% stretch



0% STRETCH

FINISH: apply last two inches of tape on outside of foot without stretch

Source: https://www.kttape.com/pub/media/plumtree_video/video/file/k/t/kt-tape-plantar-fasciitis.pdf

'818 PATENT — KT Gentle Kinesiology Tape

FINISH: apply last two inches of tape on outside of foot without stretch

Source: Enlargement of the preceding instructions

Element 15[c]:
said flexible material
having a tensile strength of
at least 25 lb/in-width and

The Accused Instrumentalities' arch support straps are made of a flexible material having a tensile strength of at least 25 lb/in-width.

n:	Machine Direction		Cross-Machine Direction .5" Wide	
	Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile
1	19.496 lbf/in	110.80 %	32.136 lbf/in	17.00 %
2	22.968 lbf/in	112.60 %	32.064 lbf/in	16.80 %
3	20.534 lbf/in	110.60 %	32.590 lbf/in	16.00 %
4	18.858 lbf/in	108.00 %	32.521 lbf/in	17.60 %
5	20.788 lbf/in	111.20 %	34.541 lbf/in	18.40 %
je	20.529 lbf/in	110.64 %	32.770 lbf/in	17.16 %

Source: Lab Report

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<p><i>Element 15[d]:</i></p> <p>a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and</p>	<p><i>The Accused Instrumentalities’ arch support straps have an elongation to tensile strength (lb/in-width) that is less than 0.9 in a longitudinal or transverse dimension.</i></p> <p>The support layer has a ratio of elongation to tensile strength (lb/in-width) that is less than 0.9.</p> <table><tr><td>n:</td><td colspan="2">Machine Direction</td><td colspan="2">Cross-Machine Direction .5" Wide</td></tr><tr><td></td><td>Breaking Force</td><td>Elong. @ Max Tensile</td><td>Breaking Force</td><td>Elong. @ Max Tensile</td></tr><tr><td>1</td><td>19.496 lbf/in</td><td>110.80 %</td><td>32.136 lbf/in</td><td>17.00 %</td></tr><tr><td>2</td><td>22.968 lbf/in</td><td>112.60 %</td><td>32.064 lbf/in</td><td>16.80 %</td></tr><tr><td>3</td><td>20.534 lbf/in</td><td>110.60 %</td><td>32.590 lbf/in</td><td>16.00 %</td></tr><tr><td>4</td><td>18.858 lbf/in</td><td>108.00 %</td><td>32.521 lbf/in</td><td>17.60 %</td></tr><tr><td>5</td><td>20.788 lbf/in</td><td>111.20 %</td><td>34.541 lbf/in</td><td>18.40 %</td></tr><tr><td>je</td><td>20.529 lbf/in</td><td>110.64 %</td><td>32.770 lbf/in</td><td>17.16 %</td></tr></table> <p>Source: Lab Report</p> <p>17.16 / 32.770 = 0.52</p> <p>As shown above, the sole member has a ratio of elongation to tensile strength that is less than 0.9.</p>	n:	Machine Direction		Cross-Machine Direction .5" Wide			Breaking Force	Elong. @ Max Tensile	Breaking Force	Elong. @ Max Tensile	1	19.496 lbf/in	110.80 %	32.136 lbf/in	17.00 %	2	22.968 lbf/in	112.60 %	32.064 lbf/in	16.80 %	3	20.534 lbf/in	110.60 %	32.590 lbf/in	16.00 %	4	18.858 lbf/in	108.00 %	32.521 lbf/in	17.60 %	5	20.788 lbf/in	111.20 %	34.541 lbf/in	18.40 %	je	20.529 lbf/in	110.64 %	32.770 lbf/in	17.16 %
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<p><i>Element 15[e]:</i></p>	<p><i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.</i></p>																																								

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and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot.

180° Peel (PSTC-101 A)			
1 minute dwell on ss; 12"/minute removal			
Sample ID	average oz/inch	Standard deviation	Mode of Failure
Target Black	25.3	0.5	A, L1, Gh1
CVS Cotton Beige	16.3	1.1	A, L1, Gh1
CVS Pro Black	24.4	2.4	A9C1, L1, Gh1
KT Pro Blue	13.6	0.7	A, L1, Gh1
KT Cotton Blue	12.9	1.1	A, L1, Gh1
KT ExtremeBlack	14.5	1.2	A, L1, Gh1
KT Cotton Beige	12.0	0.9	A, L1, Gh1

Numbers 1 to 9 = %, as A9C1 is a 90% clean peel with 10% cohesive split of the adhesive to the substrate.

A - adhesive failure - the adhesive was removed from the substrate cleanly.

C - cohesive failure - the adhesive split, leaving residue on both the face stock and substrate.

Numbers 1 to 3 1 = slight 2 = moderate 3 = severe

GH - ghosting - a shadow or stain remained on the substrate.

L - legging - the condition of a soft adhesive when strings or legs are formed when it is pulled.

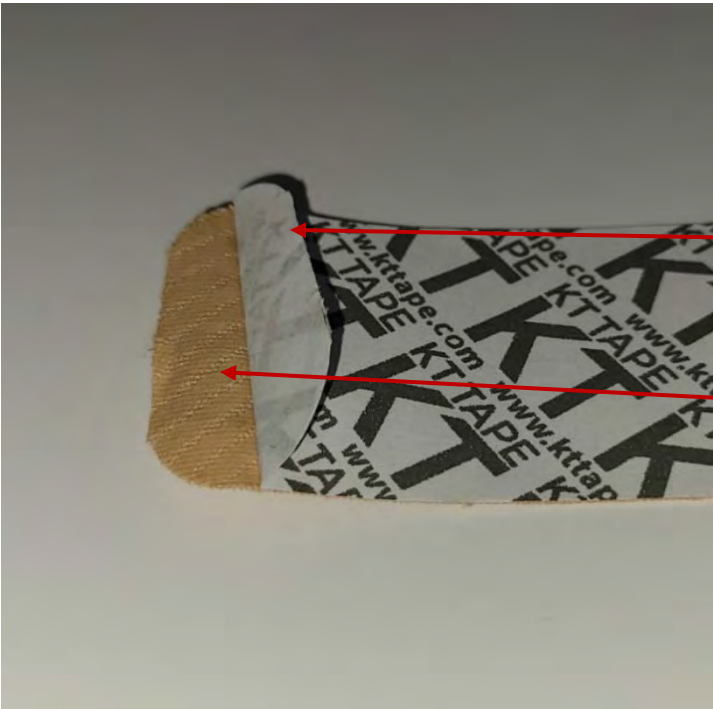
Source: Lab report

The adhesive layer has strong adhesion (12.0 average oz/inch).

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<p><i>Element 19[pre]:</i></p> <p>Claim 19: A method for treating plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user, comprising the steps of:</p>	<p><i>The Accused Instrumentality is a disposable orthotic foot arch support strap for a patient's foot for treating plantar fasciitis and foot pain by reducing tensile loads and stresses and providing anatomical support and stability to a musculoskeletal system of a foot of a user.</i></p> <p>The advertising, offer of sale, and sale of the accused tape induces users to treat plantar fasciitis and foot pain by reducing tensile loads and stresses in a plantar fascia and providing anatomical support and stability to a musculoskeletal system of a foot of a user when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 19[a]:</i></p> <p>removing a release liner sheet from an adhesive layer of an ultrathin, elongate sole support strap formed of a flexible material having the adhesive layer on an underside surface thereof, wherein the adhesive layer</p>	<p><i>The Accused Instrumentalities' sole supporting straps is made of ultrathin flexible materials having an adhesive layer from which a release liner sheet is removed. The adhesive layer which is an acrylic based medical grade adhesive is covered by a release liner sheet which prevents drying or removal of the adhesive on the tape.</i></p> <p>When used in its normal and customary way, the user removes a release liner sheet from the adhesive layer of the tape prior to applying the tape on the user's body.</p>

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<p>is covered by the removable release liner sheet,</p>	 <p>Source: Product photo</p> <p>The tape strips are an ultrathin, elongate sole support strap formed of a flexible material: <i>See Element 15[a] above.</i></p>
<p><i>Element 19[b]:</i> said underside surface having a contiguous ball of</p>	<p>The product instructions lead the user in applying two strips generally transversely around the midfoot. The portion of these strip where they contact the sole provide continuous support from the ball of the foot to the heel portion of the foot. <i>See Element 15[b] above.</i></p>

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foot portion, a midfoot portion, and a heel portion,	
<i>Element 19[c]:</i> said flexible material having a tensile strength of at least 25 lb/in-width and	The Accused Instrumentality has a support layer made of a flexible material having a tensile strength of at least 25 lb/in-width. <i>See Element 15[c] above.</i>
<i>Element 19[d]:</i> a ratio of elongate-to-tensile strength that is less than 0.9 in a longitudinal or transverse dimension, and	The Accused Instrumentalities' support layer has an elongation to tensile strength (lb/in-width) ratio of less than 0.9. <i>See Element 15[d] above.</i>
<i>Element 19[e]:</i> said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot; and	<i>The adhesive layer has a peel strength sufficient to prevent slipping or creeping of said sole support strap when secured to a skin surface of the foot.</i> <i>See Element 15[e] above.</i>

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adhering said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof, and

The product instructions lead the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof:



Source : Enlargement of instructions

As shown below, the instructions instruct the user to adhere said ball of foot portion and said midfoot portion of said sole support strap to the skin surface along the ball of the foot and the midfoot to conform to a curvature thereof as shown below:

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	<p>STRIP THREE</p>  <p>0% STRETCH ANCHOR: full strip slightly behind first strip angled toward the arch without stretch</p> <p>80% STRETCH APPLY: tape across arch with 80% stretch</p> <p>0% STRETCH FINISH: apply last two inches of tape on outside of foot without stretch</p> <p>Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf</p>
<p><i>Element 19[g]:</i> adhering said heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof and prevent slippage of said sole support strap,</p>	<p>The product instructions lead the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof:</p>  <p>Source : Enlargement of instructions</p>

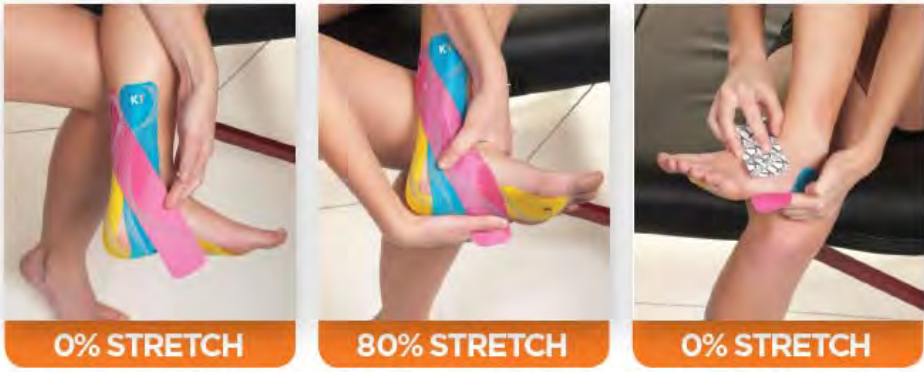
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As shown below, the instructions instruct the user to adhere the heel portion to the skin surfaces along the back and lateral sides of the heel of the foot, to conform to a curvature thereof as shown below:




Source : https://www.youtube.com/watch?v=Ge_K98lmUJc (Time 1:39 – 2:43)

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	<p>STRIP THREE</p>  <p>0% STRETCH ANCHOR: full strip slightly behind first strip angled toward the arch without stretch</p> <p>80% STRETCH APPLY: tape across arch with 80% stretch</p> <p>0% STRETCH FINISH: apply last two inches of tape on outside of foot without stretch</p> <p>Source: https://www.kttape.com/pub/media/plumtree_video/video/file//k/t/kt-tape-plantar-fasciitis.pdf</p>
<p><i>Element 19[h]:</i> wherein said sole support strap, in the adhered condition, flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress</p>	<p><i>The tape flexes with the foot and provides stability and support to the musculoskeletal system and arch of the user's foot to reduce fascia stress throughout a walking gait cycle.</i></p> <p>As shown below, the instructions confirm that this tape is to be used for plantar fasciitis.</p>

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<p>throughout a walking gait cycle.</p>	 <p>Source : Enlargement of instructions</p>
<p><i>Element 20[pre]:</i> Claim 20: The method according to claim 19, comprising the further steps of:</p>	<p>The advertising, offer of sale, and sale of the accused tape induces users adhere an arch support strap transversely over the sole support strap when used in its normal and customary way, and also when used according to the instructions shown in <i>Element 15[pre]</i>.</p>
<p><i>Element 20[a]:</i> adhering an arch support strap transversely over the sole support strap, wherein the arch support strap comprises an ultrathin,</p>	<p>The included instructions instruct the user to adhere an arch support strap transversely over the sole support strap. <i>See Element 15[b] above.</i></p> <p>The arch support strap comprises an ultrathin, elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet. <i>See Element 15[a] above.</i></p>

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<p>elongate arch support strap formed of a flexible material having an adhesive layer on an underside surface thereof covered by a removable release liner sheet, said flexible material and said adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot;</p>	<p>The arch support strap comprises an adhesive layer having a peel strength sufficient to prevent slipping or creeping of said arch support strap when secured to a skin surface of the foot. <i>See Element 15[e] above.</i></p> <p>The user's act of adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Elements 19[b] and 19[f] above.</i></p>
<p>wherein adhering said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides</p>	<p>The included instructions instruct the user to adhere said arch support strap comprises adhering transversely over said sole support strap and at least a portion of skin surfaces of opposed sides of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot. <i>See Element 15[b] above.</i></p>

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<p>of a midfoot portion of a longitudinal arch between the ball and the heel of the foot to conform to the curvature thereof, such that said arch support strap maintains said sole support strap in adhesive engagement with the sole of the user's foot.</p>	
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